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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER HALL, ARTHUR O	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/611,799	Applicant(s) KEAM ET AL.	
	Examiner Arthur O. Hall	Art Unit 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/21/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35,37,39-41 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35,37,39-41 and 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Examiner acknowledges that claims 1-43 were pending at the time of the Office Action. Examiner further acknowledges that claims 1, 3, 7, 21-24, 27, 28, 31, 37, 39 and 40 are amended, and that claims 36, 38, 42 and 43 are now cancelled. Examiner also acknowledges that claims 44 -47 are added, and that claims 1- 35, 37, 39-41, and 44-47 remain pending in the application.

Examiner acknowledges that applicants arguments directed to the rejection set forth under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are deemed unpersuasive in light of the evidence disclosed in the Thompson et al. (US Patent Application Publication 2002/0142847; hereinafter Thompson), Seven Kingdoms II: The Fryhtan Wars (released/published July 1999; hereinafter Seven Kingdoms II) and Motor City Online (published) references cited in the Final Office Action dated 3/9/2007 and in view of applicants amendments and arguments made in the Request for Continued Examination Response dated 8/9/2007 to the Final Office Action dated 3/9/2007. Thus, the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are not withdrawn. Therefore, Examiner maintains the grounds of rejection of the claims under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) as described in the Final Office Action dated 4/18/2007, in part, and provides new grounds of rejection of the claims under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) in this Non-final Office Action, in part, and further provides grounds of rejection under 35 U.S.C. § 112 and grounds of objection to the claims as set forth below.

***Claim Objections***

Claim 37 is objected to because of the following informalities: claim 37 recites a conjunctive "and" term, but the limitations that follow are merely further limitations of "an inventory management portion" and are not an additional feature of the invention. Therefore, the claim is in improper grammatical form. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32-34 recite the limitation "the computer executable instructions of claim 31" in about lines 1, 4 and 7 on page 9 of the amended claims dated 8/9/2007. However, claim 31 from which claims 32-34 depend recites "a computer readable medium" instead. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the computer executable instructions of claim 30" in about line 10 on page 9 of the amended claims dated 8/9/2007. However, claim 30 from which claim 35 depends recites "the computer game of claim 23" instead. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6, 8 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson.

Regarding claim 1: Thompson discloses a method for managing a plurality of virtual items during computer game play, the method comprising:

indicating to a game player on a computer display during computer game play the plurality of computer generated virtual items to be obtained as possessions by a computer generated representation of the game player from other computer generated representations, at least a portion of the plurality of virtual items comprising attributes (paragraph 0030, Thompson; a computer monitor or personal digital assistant is disclosed on which the user preferences are inherently output in the form of virtual items including a virtual player and virtual game assistant items are displayed);

obtaining the plurality of virtual items with the computer generated representation of the game player (paragraph 0013 and paragraph 0030, Thompson; playing pieces or virtual items including a virtual player generated as part of the player preferences output to the monitor are inherently displayed);

indicating on the computer display as being possessed by the computer generated representation of the game player at least a portion of the obtained plurality of virtual items (pg. 1, paragraphs 0015-0016, Thompson; game pieces are selected or indicated as being possessed by or assigned to the virtual player);

filtering the obtained plurality of virtual items based on their attributes (pg. 2-3, paragraphs 0030-0031 and 0034, Thompson; the game pieces or virtual items are sorted or filtered based on user preferences upon which the game assistant makes recommendations during the game); and

displaying the filtered obtained plurality of items in the game inventory (pg. 2-3, paragraphs 0030-0031, Thompson; the game pieces that are filtered by the user preferences and game assistant recommendations are displayed).

Regarding claim 3: Thompson discloses the method of claim 1, further comprising constructing the first and second filter, wherein the first and second filter determines virtual items having a flag type attribute or an enumeration type attribute (paragraph 0031, Thompson; an assessment of the user's actual inventory via a first filter that applies logical valuations and second filter that applies calculations so as to estimate value and effectiveness of the playing pieces or virtual items in which a flag type attribute or the game pieces and an enumeration type attribute or the quantity of game pieces are provided); and filtering with the first and second filter the obtained plurality of virtual items based on their attributes (paragraph 0031, Thompson; valuation and calculations or sorting or filtering of information is provided based on the attributes).

Regarding claim 6: Thompson discloses the method of claim 3, wherein a plurality of items included in the inventory are accessed using a plurality of filters wherein each filter is used to select virtual items having associated attributes that match different predetermined attributes associated with the filter (paragraph 0033, Thompson).

Regarding claim 8: Thompson discloses the method of claim 1, wherein only those virtual items that satisfy a query that corresponds to the filter are selected by the filter (paragraph 0013, Thompson).

Regarding claim 14: Thompson discloses the method of claim 1, further comprising displaying virtual items that include attributes that match predetermined attributes queried by a selected filter (paragraph 0026, Thompson).

Claims 23, 26-28, 30-32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Seven Kingdoms II.

Regarding claim 23: Seven Kingdoms II discloses computer game further comprising: a game display, the game display comprises:

virtual item icons indicating a plurality of virtual items collected in a package by a computer generated representation of a game player during play of the computer game, at least a portion of the plurality of virtual items comprising attributes (game manual pg. 23; maps or a package including a virtual game player and virtual items have different structural attributes are provided), and

an inventory management portion (game manual pg. 23; a world map or inventory management portion is provided upon selection by the user or player), the inventory management portion further includes:

an inventory filter icon that can be selected to yield a selected inventoried package display (game manual pg. 23 and 25), the selected inventoried package display displays zero or more virtual item icons, each displayed virtual item icon represents at least one of the plurality of collected virtual items that includes the attributes filtered based on the inventory filter icon (game manual pg. 23; Nationality Filter and Object filter, upon selection, separately filter plural objects based on attributes). Seven Kingdoms II is a computer readable medium executed on a computer, which is also known as a game apparatus, having a game display.

Regarding claims 26 and 34: Seven Kingdoms II discloses the computer game claim 23, wherein a game developer defines the inventory filter icon. As described by the game manual it would be inherent that the game developer created the icons or else they would not be described in the game and game manual. Seven Kingdoms II also discloses computer executable instructions.

Regarding claim 27: Seven Kingdoms II discloses the computer game of claim 23, wherein the game display further includes a game screen where the game action by the computer representation of the game player is being portrayed (screen shot).

Regarding claim 28: Seven Kingdoms II teach the computer game claim 23, wherein the a computer game is operative to a plurality of items for a game, and the



apparatus displays only those items that satisfies search criteria as set forth by the attributes filtered by the inventory filter icon (game manual pg. 23)

Regarding claim 30: Seven Kingdoms II teach the computer game of claim 23, wherein the computer game highlights the attributes of certain desirable virtual items to a player (game manual pg. 23)

Regarding claim 31: Seven Kingdoms II discloses a computer readable medium having computer executable instructions which, when executed by a processor, causes the processor to: indicate a plurality of virtual items to be obtained as possessions by a computer generated representation of a game player during the play of a computer game, at least a portion of the plurality of virtual items comprising attributes; collect at an inventory package the plurality of virtual items with the computer generated representation of the game player; selected a filter to apply to the inventory package based on the attributes of at least one of the plurality of virtual items that are used within the computer game: and apply a filter to an inventory based on at least one of the attributes (game manual p.7, and p. 23; maps or a package or grouping of virtual items including virtual player items selected are disclosed).

Regarding claim 32: Seven Kingdoms II discloses the computer executable instructions of claim 31, further comprising constructing the filter. This is inherent of the game because the game developer constructed the filters that they have defined therefor constructing the filter.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 4-5, 7, 9-13, 15-20, 22, 35, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Seven Kingdoms II.

Regarding claim 2: Thomson teaches the method of claim 1, wherein the game player is a virtual game player. In any game board or electronic a Character is a virtual character that you control or is part of the game.

Regarding claim 4: Thompson discloses the method of claim 3, further comprising constructing the first filter by the game player (paragraph 0039, Thompson) with the exception of constructing the second filter by a game developer. It is well known to have many different filters to filter through a database of information where filters are created by users and developers. Seven Kingdoms II teaches a nationality filter and an object filter (game manual pg. 23). Seven Kingdoms II also teaches a menu with items that will

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show info about them (game manual pg. 25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson with the teaching of Seven Kingdoms II so that there would be filters that the game developer constructed. This would make it easier for a user by not having them figure out what aspects of the game to filter out, or select.

Regarding claim 5: Thompson teaches the method of claim 4, further comprising selecting by the game player either the first filter or the second filter to obtain the plurality of virtual items based on their attributes (paragraph 0027, Thompson). It is also well known in the art to allow a user to select options to further their game play.

Regarding claim 7, 35: Thompson teaches the method of claim 6, wherein filtering is executed with one of the plurality of filters, and wherein certain ones of the plurality of filters include a queries that are defined by a player of the game (pg. 3, paragraphs 0031 and 0039; the player inputs content and preferences in which the game assistant software uses to output a user grouping based on the query or questioning or assessment analysis of the user's input), with the exception that the other ones of the plurality of filters include queries that are defined by a game developer.

However, Seven Kingdoms II teaches where the game has predefined filters set by the game developer. Moreover, it is well known for a game to have predetermined filters and options for the user that were designed by the game developer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson with the teaching of Seven Kingdoms II to have game

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developer defined filters so as to make a game users playing experience better by not requiring them to create options and filters to aid them in the progress of the game because the filters would already be present for them to use.

Regarding claim 9: Thompson teaches the method of claim 8, and is fully capable where the virtual items are displayed over an inventory management portion of the display.

Regarding claim 10: Thompson teaches the method of claim 8, except wherein the query includes a structured query language (SQL) query. It is well known in the art to use structured query language to search for items in a database.

Regarding claim 11: Thompson teaches the method of claim 1, except wherein there are a plurality of filters, and each filter is indicated by a distinct inventory filter icon. Seven Kingdoms II teaches filter icons (screen shot). It would have been obvious to one of ordinary skill in the art to modify Thompson with the teaching of Seven Kingdoms II to use icons to represent filters. It is well known in the art to have icons for filters and objects in the game. This makes for easy recognition and use of the filters and objects.

Regarding claim 12: Thompson teaches the method of claim 11, except further comprising selecting a virtual item icon to display the virtual item corresponding to the virtual item icon. Seven Kingdoms II teaches where a virtual item icon is selected the game then applies the virtual icon. It would have been obvious to one of ordinary skill in the art to modify Thompson with Seven Kingdoms II to have the virtual icon correspond to its described action. Its obvious to have a virtual icon that when selected will have an action occur corresponding to the icon.

Regarding claim 13: Thompson teaches the method of claim 1, wherein the filter is displayed as a portion of a user interface, further comprising the player at least partially defining the filter (pg. 3, paragraph 0032). The user may influence the control to give them a feeling of control and ownership.

Regarding claim 15-18: Thomson teaches the method of claim 14, wherein a mouse, joystick computer display button, or computer display menu is used to select the filter. It is well known to use many different input means to select and control the user interface in a game.

Regarding claim 19, 20: Thomson teaches the method of claim 1, except wherein the filter is represented by a name, or a symbol. Seven Kingdoms II teaches where a filter is represented by a name or a symbol (game manual pgs. 23 and 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson with the teaching of Seven Kingdoms II to use a name or a symbol to represent a filter. It is obvious that a game would have to represent the object to the user in a way that the user would be able to decipher what it was so using, and thus, a name or a symbol would be an obvious way of conveying this message.

Regarding claim 22: Thomson teaches the method of claim 3, further comprising enabling the first filter to filter a first virtual item; and altering the attributes of the first virtual item to enable the second filter to filter the virtual item and disable the first filter from filtering the first virtual item (paragraph 0039, Thompson).

Regarding claim 44: Thompson teaches the method of claim 1, but does not appear to teach indicating on the computer display during play of the game the

computer representation of the game player using one of the filtered obtained plurality of items. However, Seven Kingdoms II teaches that virtual items that are filtered are displayed as selected by the player, which serve as virtual or computer representations of the game player (game manual, pg. 23). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson in view of the teaching of Seven Kingdoms II in order to display filtered computer representations of the game player since at least one of the filtered items is the player's virtual item.

Regarding claim 46: Thompson teaches the method of claim 1, but does not appear to teach wherein the virtual items are obtained as possessions by the computer generated representation of the game player from other computer generated representations of other game players. However, Seven Kingdoms II teaches that players select computer generated objects that capture other virtual items such as virtual towns, and that treaties are made between kingdoms with regard to virtual items captured for value, which allows possession of virtual items obtained by virtual game players to be obtained by other virtual game players (game manual pg. 23 and 25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson in view of the teaching of Seven Kingdoms II to allow virtual or computer generated representations of a game player to obtain possessions of other virtual game players since treaties are established for the purpose of allowing players to decide which virtual territories each would govern as in real life situations during a conflict.

Claims 21, 24, 45 and 47 are rejected under 35 U.S.C.103(a) as being unpatentable over Thompson and Seven Kingdoms II, in view of Motor City Online.

Regarding claim 21: Thompson teaches the method of claim 1, with the exception of further comprising altering the attribute of the virtual item and wherein the virtual items are indicated as being possess using a displayed bag on a screen, wherein the filtering is executed using a filter, and wherein an indication of the filter is displayed as part of the screen displaying the bag. Motor City Online teaches altering the attribute of the virtual item by setting item price, and as the item is used it decreases in value. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson in view of the teaching of Motor City Online of altering the attribute of the virtual item. This would allow a user to customize an item for there own use, which would give the user a feeling of control and authorship. Motor City Online further teaches that the player has an opportunity to buy, sell, trade and customize or otherwise possess virtual items via auctions. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson in view of the teaching of Motor City Online to try an implementation using a virtual bag displayed on a monitor to possess the filtered virtual items because bags or other storage thereof are well known to be used to contain items in order to show possession of the bargained for items that result from an auction or other seller and trade location.

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Regarding claim 45: Thompson teaches the method of claim 1, with the exception of further comprising exchanging one of the filtered items with other game players for value. However, Motor City Online teaches that virtual items chosen by players are sold, traded and customized for bargained economic value.

Regarding claim 47: Thompson teaches the method of claim 1, with the exception of wherein filtering comprises querying the attributes selected from a group of queries comprising: determining virtual items that are to be sold and/or bartered, determining virtual items that are weapons against monsters, and determining virtual items that are constructed of a particular material. However, Motor City Online teaches that virtual items will be bought and sold as determined by the player and all other features are obvious variants thereof.

Regarding claim 24: Seven Kingdoms II teaches the computer game of claim 23, except wherein dragging one of the virtual item icon associated with one of the virtual items to a different location on the game display with an input device alters the attributes of that virtual item. Motor City Online teaches that when the user uses a virtual item such as a car part or a car, the item will wear out and loose its value as it would in real life, and that the user makes choices through two modes through arcade action in the game. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seven Kingdoms II to use the teaching of Motor City Online when using a virtual item in which the game display alters the attributes of that virtual item by changing its value or usage value, and so that the user uses an input device to drag the virtual items across an arcade type game display. This



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would give a user authorship and control over a game by giving them the feel of real life consequences.

Claims 25, 29, 33, 37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seven Kingdoms II in view of Thompson.

Regarding claim 25: Seven Kingdoms II teach the computer game of claim 23~ except wherein a player defines the inventory filter icon. Thompson teaches a where a user can customize there own filter, and it would be fully capable of setting a icon to that filter for later use. It would have been obvious to one of ordinary skill in the art to modify Seven Kingdoms II to use the teaching of Thompson to where the user could define there own inventory icon. This would give them a feeling of control over the game and would help them remember the filter that they created to further their status in the game.

Regarding claim 29: Seven Kingdoms II teaches the computer game of claim 23, except wherein a game player provides attributes and selects items based on the criteria using a user interface, Thompson teaches wherein a player provides attributes and then selects the items they wan to use (pg .3, paragraph 0039).

Regarding claim 33: Seven Kingdoms II teaches the computer executable instructions of claim 31, except wherein a player of the game defines the filter. Thompson teaches wherein a player of the game constructs the filter. (pg. 3, paragraph 0039). It would have been obvious to one of ordinary skill in the art to modify the game of Seven Kingdoms II to allow a user to define there own filter. This would allow a user

to have a feeling of control and set the game up so that they would be able to be more successful using a filter they created.

Regarding claim 37: Seven Kingdoms II teaches the apparatus comprising a game server (game manual pg. 17), the game server at least partially includes an inventory management portion that stores an indication of plural virtual items obtained as possessions by computer generated representations of plural game players, the inventory management portion further includes an inventory filter icon that can be selected by plural game players to yield a selected inventoried package display, the selected inventoried package display displays at least one virtual item icon, each displayed virtual item icon represents a virtual item that includes the attributes filtered by the inventory filter icon (game manual pg. 23; virtual towns or other structures are possessed by the virtual plural game players in the game since selection of game buttons by players indicates possession of the virtual items that are to be demolished or repaired). Thompson also teaches a game server where filters are applied (paragraph 0039, Thompson).

Regarding claim 39: Seven Kingdoms II teaches the apparatus of claim 37, wherein the virtual items are obtained as possessions by displaying the computer representations of the game player capturing the virtual items from computer representations of other game players during the play of the computer game (game manual pgs. 23 and 34, capturing towns is provided and these towns are virtual items that are possessed by virtual or computer representations of game players in the game

since the player makes its selection to demolish, repair or otherwise possess the town via its virtual game player or object)

Regarding claim 40: Seven Kingdoms II teaches the apparatus of claim 37, where the game display further includes a game screen where game action by a computer representation of the game player is being portrayed (screen shot).

Regarding claim 41: Seven Kingdoms II teaches the apparatus of claim 37, wherein the apparatus searches a plurality of items for a game, and the apparatus displays only those items that satisfy search criteria as set forth by the attributes filtered as a result of selecting by the inventory filter icon (game manual pg. 23).

### ***Response to Arguments***

Applicant's arguments filed in the Response dated 7/23/2007 with respect to Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are unpersuasive in light of the evidence substantially disclosed in the Thompson, Seven Kingdoms II and Motor City Online references, in light of applicant's amendments, and in light of applicant's arguments thereof.

Regarding claim 1, applicant alleges that items filtered by Thomson are not possessed by a computer generated representation of the game player and are not computer generated representations of the game player; however, Examiner submits that any item in a game whether the game is being played on a computer or in a game board is a computer generated representation or a virtual item and, as discussed above, Examiner further submits that Thompson does disclose computer generated

representations of the game player in form of game pieces selected, which are possessed by the player on the monitor since the player controls the virtual object based on preferences (paragraph 0016, Thompson).

Regarding claim 3, applicant argues that Thompson does not disclose a filter that determines a flag type attribute or enumeration type attribute; however, as described above, Examiner submits that Thompson discloses game pieces or flag type attributes and the quantity of game pieces or an enumeration type attribute (paragraph 0031, Thompson).

Regarding claims 23 and 31, applicant argues that Seven Kingdoms II does not indicate virtual items in a package during game play, does not display the filtered items in a game inventory package nor provides items collected in a package by a computer generated representation of a game player. However, Examiner submits that Seven Kingdoms II, contrary to applicant's assertions, does provide a package or maps of virtual items, displays filter items in the game inventory package or world map via Nationality and Object Filters and provides computer generated representations or virtual representations of the players virtual player by selection and control using game buttons as described above (game manual pg. 23).

Regarding claims 6, 8, 14, 26-28, 30, 32, 34-35, Examiner submits that these claims are anticipated by Thompson or Seven Kingdoms II for the reasons described above and/or in the Final Office Action dated 3/9/2007.

Regarding claims 37 and 39, applicant alleges that Seven Kingdoms II and/or Thompson do not describe inventory management portions. However, Examiner

submits that Thompson discloses a user inventory (paragraph 0031, Thompson).

Examiner further submits that Seven Kingdoms II also discloses a world map or inventory management portion in which the player selects virtual items for display in the game (game manual pg. 23). Applicant further argues that neither Seven Kingdoms II nor Thompson teach a selectable filter icon that indicates obtained virtual item icons in a package when selected. However, Examiner submits that Thompson discloses that user preferences are selected and grouped for display (paragraph 0030, Thompson).

Examiner further submits that Seven Kingdoms II displays filtered items by clicking on a nationality or object filter in which buildings and game people are the inventory of the game player, and in which the buildings and towns captured are then in the player's inventory (game manual pg. 23). These icons filter items the player has in their control, which is considered the player's inventory.

Regarding claim 21, applicant argues that neither Thompson, Seven Kingdoms II nor Motor City Online display a bag that indicates virtual items as being possessed, nor display a filter on the monitor that displays the bag. However, Examiner submits, as disclosed above, that Motor City Online discloses a virtual auction in which it would have been obvious at the time of invention to try an implementation using a bag along with display of the filter as disclosed by Thompson and Seven Kingdoms II since bagging or storing items in a storage location is well known in auction or seller or trade activities.

Regarding claim 24, applicant alleges that neither Thompson, Seven Kingdoms II nor Motor City Online disclose changing an attribute when a virtual item is dragged to a

different location using an input device. However, Examiner submits, as described above, that the user makes choices through two modes through arcade action in the game in a manner that it would have been obvious at the time of invention for the user to use an input device to drag the virtual items across an arcade type game display since it is well known to use an input device under control by the player to move objects around on the screen in arcade type video games. Examiner further submits that the two modes allow the player to enable and disable the filtering or sorting of virtual game items.

Regarding claims 40-41, Examiner submits that these claims are unpatentable over Seven Kingdoms II in view of Thompson for the reasons described above and/or in the Final Office Action dated 3/9/2007.

Regarding claims 2, 4-5, 7, 9-13, 15-20, 22, 25, 29, 33, 44-47, Examiner submits that these claims are unpatentable over the combination of Thompson and Seven Kingdoms II or the combination of Thompson and Motor City Online for the reasons described above and/or in the Final Office Action dated 3/9/2007.

Therefore, applicants arguments have been deemed to be unpersuasive, in part, in light of the evidence substantially disclosed in the Thompson, Seven Kingdoms II and Motor City Online references, in part, in light of applicant's amendments, and, in part, in light of applicant's arguments thereof.

Hence, Examiner maintains the grounds of rejection of the claims under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) as described in the Final Office Action dated

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4/18/2007, in part, and provides new grounds of rejection of the claims under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) in this Non-final Office Action, in part, because each of the features of applicant's claimed invention continues to be anticipated by and unpatentable or obvious over the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B US-7,275,987 B1, Shimakawa et al.

C US-2002/0022516 A1, Forden

D US-2004/0137975 A1, Yamada et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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AH

10/14/2007

  
Robert E. Pezzuto  
Supervisory Patent Examiner